

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN  
AND RELATED MOTIONS

Name of Debtor(s): **David Ray Seaborn, III**

Case No: **19-34687-KRH**

This plan, dated **September 11, 2019**, is:

- ☒ the *first* Chapter 13 plan filed in this case.  
☐ a modified Plan, which replaces the  
☐ confirmed or ☐ unconfirmed Plan dated \_\_\_\_.

Date and Time of Modified Plan Confirmation Hearing:

Place of Modified Plan Confirmation Hearing:

The Plan provisions modified by this filing are:

Creditors affected by this modification are:

**1. Notices**

**To Creditors:**

**Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

**If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court.**

**(1) Richmond and Alexandria Divisions:**

**The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed.**

**(2) Norfolk and Newport News Divisions: a confirmation hearing will be held even if no objections have been filed.**

**(a) A scheduled confirmation hearing will not be convened when:**

- (1) an amended plan is filed prior to the scheduled confirmation hearing; or  
(2) a consent resolution to an objection to confirmation anticipates the filing of an amended plan and the objecting party removes the scheduled confirmation hearing prior to 3:00 pm on the last business day before the confirmation hearing.

**In addition, you may need to file a timely proof of claim in order to be paid under any plan.**

**The following matters may be of particular importance.**

**Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

<b>A.</b>	<b>A limit on the amount of a secured claim, set out in Section 4.A which may result in a partial payment or no payment at all to the secured creditor</b>	<input checked="" type="checkbox"/> <b>Included</b>	<input type="checkbox"/> <b>Not included</b>
<b>B.</b>	<b>Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 8.A</b>	<input checked="" type="checkbox"/> <b>Included</b>	<input type="checkbox"/> <b>Not included</b>
<b>C.</b>	<b>Nonstandard provisions, set out in Part 12</b>	<input type="checkbox"/> <b>Included</b>	<input checked="" type="checkbox"/> <b>Not included</b>

**2. Funding of Plan.** The debtor(s) propose to pay the Trustee the sum of \$ 865.00 per month for 59 months.  
Other payments to the Trustee are as follows:

The total amount to be paid into the Plan is \$ **51,035.00**.

**3. Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

**A. Administrative Claims under 11 U.S.C. § 1326.**

1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10% of all sums received under the plan.
2. Check one box:

- ☒ Debtor(s)' attorney has chosen to be compensated pursuant to the "no-look" fee under Local Bankruptcy Rule 2016-1(C)(1)(a) and (C)(3)(a) and will be paid \$ **4,431.00**, balance due of the total fee of \$ **5,296.00** concurrently with or prior to the payments to remaining creditors.
- ☐ Debtor(s)' attorney has chosen to be compensated pursuant to Local Bankruptcy Rule 2016-1(C)(1)(c)(ii) and must submit applications for compensation as set forth in the Local Rules.

**B. Claims under 11 U.S.C. § 507.**

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid pursuant to 3.C below:

Creditor	Type of Priority	Estimated Claim	Payment and Term
City of Emporia	Taxes and certain other debts	500.00	8.47 59 months
Commonwealth of Virginia	Taxes and certain other debts	1.00	1.00 1 months
Department of the Treasury	Taxes and certain other debts	1.00	1.00 1 months

**C. Claims under 11 U.S.C. § 507(a)(1).**

The following priority creditors will be paid prior to other priority creditors but concurrently with administrative claims above.

Creditor	Type of Priority	Estimated Claim	Payment and Term
Virginia DCSE	Domestic support obligations	24,261.00	Prorata 58 months

**4. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.**

**A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.**

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. **Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 4(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 5 of the Plan.**

The following secured claims are to be "crammed down" to the following values:

Creditor	Collateral	Purchase Date	Est. Debt Bal.	Replacement Value
LoanMax Title Loans	2006 Nissan Titan XE 4WD 150,000 miles	5/2019	2,500.00	5,650.00
Prime Drive Inc.	2011 Mercedes GLK 350AWD 160,000 miles	11/2016	6,000.00	6,400.00
Tiger Fuel Company	748 Meade Street Emporia, VA 23847 Emporia City County Land Parcel ID: 124-4-2D		25,000.00	13,100.00

**B. Real or Personal Property to be Surrendered.**

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay under §§ 362(a) and 1301(a) as to the interest of the debtor(s), any co-debtor(s) and the estate in the collateral.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Value</u>	<u>Estimated Total Claim</u>
<b>-NONE-</b>			

**C. Adequate Protection Payments.**

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 4(D) and/or 7(B) of the Plan, as follows:

<u>Creditor</u>	<u>Collateral</u>	<u>Adeq. Protection Monthly Payment</u>	<u>To Be Paid By</u>
<b>Prime Drive Inc.</b>	<b>2011 Mercedes GLK 350AWD 160,000 miles</b>	<b>30.00</b>	<b>Trustee</b>

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 7(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

**D. Payment of Secured Claims on Property Being Retained (except those loans provided for in section 6 of the Plan):**

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, **whichever is less**, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. **Upon confirmation of the Plan, the valuation specified in sub-section A and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.**

<u>Creditor</u>	<u>Collateral</u>	<u>Approx. Bal. of Debt or "Crammed Down" Value</u>	<u>Interest Rate</u>	<u>Monthly Payment &amp; Est. Term</u>
<b>LoanMax Title Loans</b>	<b>2006 Nissan Titan XE 4WD 150,000 miles</b>	<b>2,500.00</b>	<b>6.25%</b>	<b>52.39 55 months</b>
<b>Prime Drive Inc.</b>	<b>2011 Mercedes GLK 350AWD 160,000 miles</b>	<b>6,000.00</b>	<b>6.25%</b>	<b>125.74 55 months</b>
<b>Tiger Fuel Company</b>	<b>748 Meade Street Emporia, VA 23847 Emporia City County Land Parcel ID: 124-4-2D</b>	<b>6,100.00</b>	<b>6.25%</b>	<b>186.27 36 months</b>

**E. Other Debts.**

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' principal residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 6 of the Plan.

**5. Unsecured Claims.**

**A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 1 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of

approximately 0 %.

**B. Separately classified unsecured claims.**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
<b>-NONE-</b>		

**6. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Principal Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).**

**A. Debtor(s) to make regular contract payments; arrearages, if any, to be paid by Trustee.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement. A default on the regular contract payments on the debtor(s) principal residence is a default under the terms of the plan.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Arrearage Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
<b>-NONE-</b>						

**B. Trustee to make contract payments and cure arrearages, if any.** The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate on Arrearage</u>	<u>Monthly Payment on Arrearage &amp; Est. Term</u>
<b>-NONE-</b>					

**C. Restructured Mortgage Loans to be paid fully during term of Plan.** Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

<u>Creditor</u>	<u>Collateral</u>	<u>Interest Rate</u>	<u>Estimated Claim</u>	<u>Monthly Payment &amp; Term</u>
<b>-NONE-</b>				

**7. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts, leases and/or timeshare agreements listed below.

**A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts:

<u>Creditor</u>	<u>Type of Contract</u>
<b>-NONE-</b>	

**B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor(s) agree to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for Arrears</u>	<u>Estimated Cure Period</u>
<b>-NONE-</b>				

**8. Liens Which Debtor(s) Seek to Avoid.**

**A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following

judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis</u>	<u>Exemption Amount</u>	<u>Value of Collateral</u>
<b>Sadler Bros. Oil Co., Inc</b>	<b>748 Meade Street</b>	<b>Va. Code Ann. § 34-4</b>	<b>\$5,000.00</b>	<b>13,100.00</b>
	<b>Emporia, VA 23847</b>	<b>Va. Code Ann. § 34-4</b>	<b>\$2,000.00</b>	
	<b>Emporia City County</b>			
	<b>Land</b>			
	<b>Parcel ID: 124-4-2D</b>			
<b>Tiger Fuel Company</b>	<b>748 Meade Street</b>	<b>Va. Code Ann. § 34-4</b>	<b>\$5,000.00</b>	<b>13,100.00</b>
	<b>Emporia, VA 23847</b>	<b>Va. Code Ann. § 34-4</b>	<b>\$2,000.00</b>	
	<b>Emporia City County</b>			
	<b>Land</b>			
	<b>Parcel ID: 124-4-2D</b>			

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate adversary proceedings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
<b>-NONE-</b>			

**9. Treatment and Payment of Claims.**

- All creditors must timely file a proof of claim to receive any payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the Plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
- The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- If relief from the automatic stay is ordered as to any item of collateral listed in the plan, then, unless otherwise ordered by the court, all payments as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.
- Unless otherwise ordered by the Court, the amount of the creditor's total claim listed on the proof of claim controls over any contrary amounts listed in the plan.

- 10. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not transfer, sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.

- 11. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, whether unsecured or secured, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.

**12. Nonstandard Plan Provisions**

☒ **None.** If "None" is checked, the rest of Part 12 need not be completed or reproduced.

Dated: September 11, 2019

/s/ David Ray Seaborn, III  
David Ray Seaborn, III  
Debtor

/s/ Veronica D. Brown-Moseley  
Veronica D. Brown-Moseley 87348  
Debtor's Attorney

By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the Local Form Plan, other than any nonstandard provisions included in Part 12.

**Exhibits: Copy of Debtor(s)' Budget (Schedules I and J); Matrix of Parties Served with Plan**

Certificate of Service

I certify that on September 11, 2019, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Veronica D. Brown-Moseley  
Veronica D. Brown-Moseley 87348  
Signature

P.O. Box 11588  
Richmond, VA 23230-1588  
Address

(804) 358-9900  
Telephone No.

CERTIFICATE OF SERVICE PURSUANT TO RULE 7004

I hereby certify that on September 11, 2019 true copies of the forgoing Chapter 13 Plan and Related Motions were served upon the following creditor(s):

Anderson Financial Services, LLC  
dba LoanMax VA  
CT Corporation System, Reg. Agent  
4701 Cox Road, Suite 285  
Glen Allen, VA 23060-6808

Prime Drive, Inc.  
C. Tucker Waldruff, Reg. Agent  
103 Third St SE  
PO Box 223  
Charlottesville, VA 22902

Tiger Fuel Company  
David G. Sutton, Reg. Agent  
200 Carlton Road  
PO Box 1607  
Charlottesville, VA 22902

Sadler Brothers Oil Company, Inc.  
Marion B. Sadler, Reg. Agent  
517 N Main St  
PO Box 871  
Emporia, VA 23847

- ☒ by first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P.; or  
☐ by certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

/s/ Veronica D. Brown-Moseley  
Veronica D. Brown-Moseley 87348

United States Bankruptcy Court  
Eastern District of Virginia

In re **David Ray Seaborn, III**

Debtor(s)

Case No. **19-34687-KRH**

Chapter **13**

**SPECIAL NOTICE TO SECURED CREDITOR**

To: **Anderson Financial Services, LLC; dba LoanMax VA; CT Corporation System, Reg. Agent**  
**4701 Cox Road, Suite 285; Glen Allen, VA 23060-6808**

*Name of creditor*

**2006 Nissan Titan XE 4WD 150,000 miles**

*Description of collateral*

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.

☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:

**No later than 7 days prior to 11/20/2019**

Date and time of confirmation hearing:

**November 20, 2019 11:10AM**

Place of confirmation hearing:

**701 E. Broad St., Rm 5000, Richmond, VA**

**David Ray Seaborn, III**

*Name(s) of debtor(s)*

By: **/s/ Veronica D. Brown-Moseley**

**Veronica D. Brown-Moseley 87348**

*Signature*

☒ Debtor(s)' Attorney

☐ Pro se debtor

**Veronica D. Brown-Moseley 87348**

*Name of attorney for debtor(s)*

**P.O. Box 11588**

**Richmond, VA 23230-1588**

*Address of attorney [or pro se debtor]*

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

- ☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or  
☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this September 11, 2019.

/s/ Veronica D. Brown-Moseley  
**Veronica D. Brown-Moseley 87348**  
*Signature of attorney for debtor(s)*

Ver. 10/18



United States Bankruptcy Court  
Eastern District of Virginia

In re David Ray Seaborn, III

Debtor(s)

Case No. 19-34687-KRH

Chapter 13

**SPECIAL NOTICE TO SECURED CREDITOR**

To: **Prime Drive, Inc.; C. Tucker Waldruff, Reg. Agent**  
**103 Third St SE; PO Box 223; Charlottesville, VA 22902**

*Name of creditor*

**2011 Mercedes GLK 350AWD 160,000 miles**

*Description of collateral*

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

☒ To value your collateral. ***See Section 4 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.

☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 8 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

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*Name(s) of debtor(s)*

By: **/s/ Veronica D. Brown-Moseley**

**Veronica D. Brown-Moseley 87348**

*Signature*

☒ Debtor(s)' Attorney

☐ Pro se debtor

**Veronica D. Brown-Moseley 87348**

*Name of attorney for debtor(s)*

**P.O. Box 11588**

**Richmond, VA 23230-1588**

*Address of attorney [or pro se debtor]*

Tel. # **(804) 358-9900**

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on this September 11, 2019.

/s/ Veronica D. Brown-Moseley  
**Veronica D. Brown-Moseley 87348**  
*Signature of attorney for debtor(s)*

Ver. 10/18

United States Bankruptcy Court  
Eastern District of Virginia

In re David Ray Seaborn, III

Debtor(s)

Case No. 19-34687-KRH

Chapter 13

SPECIAL NOTICE TO SECURED CREDITOR

To: **Tiger Fuel Company; David G. Sutton, Reg. Agent**  
**200 Carlton Road; PO Box 1607; Charlottesville, VA 22902**

*Name of creditor*

**748 Meade Street Emporia, VA 23847 Emporia City County**  
**Land**  
**Parcel ID: 124-4-2D**

*Description of collateral*

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. *See Section 4 of the plan.* Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. *See Section 8 of the plan.* All or a portion of the amount you are owed will be treated as an unsecured claim.

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Date objection due:

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Date and time of confirmation hearing:

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Place of confirmation hearing:

**701 E. Broad St., Rm 5000, Richmond, VA**

**David Ray Seaborn, III**

*Name(s) of debtor(s)*

By: **/s/ Veronica D. Brown-Moseley**

**Veronica D. Brown-Moseley 87348**

*Signature*

☒ Debtor(s)' Attorney

☐ Pro se debtor

**Veronica D. Brown-Moseley 87348**

*Name of attorney for debtor(s)*

**P.O. Box 11588**

**Richmond, VA 23230-1588**

*Address of attorney [or pro se debtor]*

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

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on this September 11, 2019.

/s/ Veronica D. Brown-Moseley  
**Veronica D. Brown-Moseley 87348**  
*Signature of attorney for debtor(s)*

Ver. 10/18

**United States Bankruptcy Court  
Eastern District of Virginia**

In re David Ray Seaborn, III

Debtor(s)

Case No. 19-34687-KRH

Chapter 13

**SPECIAL NOTICE TO SECURED CREDITOR**

To: **Sadler Brothers Oil Company, Inc.; Marion B. Sadler, Reg. Agent  
517 N Main St; PO Box 871; Emporia, VA 23847**

*Name of creditor*

**748 Meade Street Emporia, VA 23847 Emporia City County  
Land  
Parcel ID: 124-4-2D**

*Description of collateral*

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☐ To value your collateral. *See Section 4 of the plan.* Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
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Place of confirmation hearing:

**701 E. Broad St., Rm 5000, Richmond, VA**

**David Ray Seaborn, III**

*Name(s) of debtor(s)*

By: **/s/ Veronica D. Brown-Moseley**

**Veronica D. Brown-Moseley 87348**

*Signature*

☒ Debtor(s)' Attorney

☐ Pro se debtor

**Veronica D. Brown-Moseley 87348**

*Name of attorney for debtor(s)*

**P.O. Box 11588**

**Richmond, VA 23230-1588**

*Address of attorney [or pro se debtor]*

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

- ☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or  
☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this September 11, 2019.

/s/ Veronica D. Brown-Moseley  
**Veronica D. Brown-Moseley 87348**  
*Signature of attorney for debtor(s)*

Ver. 10/18

United States Bankruptcy Court  
Eastern District of Virginia

In re David Ray Seaborn, III

Debtor(s)

Case No. 19-34687-KRH  
Chapter 13

**SPECIAL NOTICE TO SECURED CREDITOR**

To: **Tiger Fuel Company; David G. Sutton, Reg. Agent**  
**200 Carlton Road; PO Box 1607; Charlottesville, VA 22902**

*Name of creditor*

**748 Meade Street Emporia, VA 23847 Emporia City County**  
**Land**  
**Parcel ID: 124-4-2D**

*Description of collateral*

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☐ To value your collateral. *See Section 4 of the plan.* Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☒ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. *See Section 8 of the plan.* All or a portion of the amount you are owed will be treated as an unsecured claim.

2. *You should read the attached plan carefully for the details of how your claim is treated.* The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:

**No later than 7 days prior to 11/20/2019**

Date and time of confirmation hearing:

**November 20, 2019 11:10AM**

Place of confirmation hearing:

**701 E. Broad St., Rm 5000, Richmond, VA**

**David Ray Seaborn, III**

*Name(s) of debtor(s)*

By: **/s/ Veronica D. Brown-Moseley**

**Veronica D. Brown-Moseley 87348**

*Signature*

☒ Debtor(s)' Attorney

☐ Pro se debtor

**Veronica D. Brown-Moseley 87348**

*Name of attorney for debtor(s)*

**P.O. Box 11588**

**Richmond, VA 23230-1588**

*Address of attorney [or pro se debtor]*

Tel. # **(804) 358-9900**

Fax # **(804) 358-8704**

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

- ☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or  
☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this September 11, 2019.

/s/ Veronica D. Brown-Moseley  
**Veronica D. Brown-Moseley 87348**  
*Signature of attorney for debtor(s)*

Ver. 10/18



Fill in this information to identify your case:

Debtor 1 David Ray Seaborn, III

Debtor 2  
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN DISTRICT OF VIRGINIA

Case number 19-34687-KRH  
(If known)

Check if this is:

- ☐ An amended filing  
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

## Official Form 106I

### Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Employment

##### 1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

Debtor 1

- ☒ Employed  
☐ Not employed

Technician (1099)

Comcast

Debtor 2 or non-filing spouse

- ☐ Employed  
☐ Not employed

How long employed there? Since 7/16/2019

#### Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	2. \$ <u>4,333.33</u>	\$ <u>N/A</u>
3. Estimate and list monthly overtime pay.	3. +\$ <u>0.00</u>	+\$ <u>N/A</u>
4. Calculate gross income. Add line 2 + line 3.	4. \$ <u>4,333.33</u>	\$ <u>N/A</u>

Debtor 1 **David Ray Seaborn, III**

Case number (if known) **19-34687-KRH**

	For Debtor 1	For Debtor 2 or non-filing spouse	
Copy line 4 here	\$ 4,333.33	\$ N/A	
<b>5. List all payroll deductions:</b>			
5a. Tax, Medicare, and Social Security deductions	\$ 0.00	\$ N/A	
5b. Mandatory contributions for retirement plans	\$ 0.00	\$ N/A	
5c. Voluntary contributions for retirement plans	\$ 0.00	\$ N/A	
5d. Required repayments of retirement fund loans	\$ 0.00	\$ N/A	
5e. Insurance	\$ 0.00	\$ N/A	
5f. Domestic support obligations	\$ 0.00	\$ N/A	
5g. Union dues	\$ 0.00	\$ N/A	
5h. Other deductions. Specify: _____	\$ 0.00	\$ N/A	
<b>6. Add the payroll deductions.</b> Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	\$ 0.00	\$ N/A	
<b>7. Calculate total monthly take-home pay.</b> Subtract line 6 from line 4.	\$ 4,333.33	\$ N/A	
<b>8. List all other income regularly received:</b>			
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	\$ 0.00	\$ N/A	
8b. Interest and dividends	\$ 0.00	\$ N/A	
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	\$ 0.00	\$ N/A	
8d. Unemployment compensation	\$ 0.00	\$ N/A	
8e. Social Security	\$ 0.00	\$ N/A	
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	\$ 0.00	\$ N/A	
8g. Pension or retirement income	\$ 0.00	\$ N/A	
8h. Other monthly income. Specify: _____	\$ 0.00	\$ N/A	
<b>9. Add all other income.</b> Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	\$ 0.00	\$ N/A	
<b>10. Calculate monthly income.</b> Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	\$ 4,333.33	\$ N/A	= \$ 4,333.33
<b>11. State all other regular contributions to the expenses that you list in Schedule J.</b> Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify: _____			
		11. +\$ 0.00	
<b>12. Add the amount in the last column of line 10 to the amount in line 11.</b> The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies		12. \$ 4,333.33	<b>Combined monthly income</b>
<b>13. Do you expect an increase or decrease within the year after you file this form?</b>			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Explain: _____			

Fill in this information to identify your case:

Debtor 1 David Ray Seaborn, III

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: EASTERN DISTRICT OF VIRGINIA

Case number 19-34687-KRH  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

## Official Form 106J

### Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

#### Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household of Debtor 2*.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Do not state the dependents names.

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Daughter

4

☒ No  
☐ Yes

Daughter

7

☒ No  
☐ Yes

Daughter

8

☒ No  
☐ Yes

Daughter

12

☒ No  
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No  
☐ Yes

#### Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 500.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 0.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **David Ray Seaborn, III**

Case number (if known) **19-34687-KRH**

6. <b>Utilities:</b>								
6a. Electricity, heat, natural gas	6a. \$	<b>150.00</b>						
6b. Water, sewer, garbage collection	6b. \$	<b>100.00</b>						
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	<b>125.00</b>						
6d. Other. Specify: _____	6d. \$	<b>0.00</b>						
7. <b>Food and housekeeping supplies</b>	7. \$	<b>650.00</b>						
8. <b>Childcare and children's education costs</b>	8. \$	<b>50.00</b>						
9. <b>Clothing, laundry, and dry cleaning</b>	9. \$	<b>100.00</b>						
10. <b>Personal care products and services</b>	10. \$	<b>100.00</b>						
11. <b>Medical and dental expenses</b>	11. \$	<b>50.00</b>						
12. <b>Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	<b>500.00</b>						
13. <b>Entertainment, clubs, recreation, newspapers, magazines, and books</b>	13. \$	<b>35.00</b>						
14. <b>Charitable contributions and religious donations</b>	14. \$	<b>0.00</b>						
15. <b>Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.								
15a. Life insurance	15a. \$	<b>0.00</b>						
15b. Health insurance	15b. \$	<b>50.00</b>						
15c. Vehicle insurance	15c. \$	<b>129.00</b>						
15d. Other insurance. Specify: _____	15d. \$	<b>0.00</b>						
16. <b>Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: <b>Personal Property</b>								
	16. \$	<b>29.00</b>						
17. <b>Installment or lease payments:</b>								
17a. Car payments for Vehicle 1	17a. \$	<b>0.00</b>						
17b. Car payments for Vehicle 2	17b. \$	<b>0.00</b>						
17c. Other. Specify: <b>Tools (Approximately \$1,800.00/year)</b>	17c. \$	<b>150.00</b>						
17d. Other. Specify: _____	17d. \$	<b>0.00</b>						
18. <b>Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).</b>								
	18. \$	<b>600.00</b>						
19. <b>Other payments you make to support others who do not live with you.</b>								
Specify: _____	19. \$	<b>0.00</b>						
20. <b>Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>								
20a. Mortgages on other property	20a. \$	<b>0.00</b>						
20b. Real estate taxes	20b. \$	<b>0.00</b>						
20c. Property, homeowner's, or renter's insurance	20c. \$	<b>0.00</b>						
20d. Maintenance, repair, and upkeep expenses	20d. \$	<b>0.00</b>						
20e. Homeowner's association or condominium dues	20e. \$	<b>0.00</b>						
21. <b>Other:</b> Specify: <b>Miscellaneous Expenses</b>	21. +\$	<b>150.00</b>						
22. <b>Calculate your monthly expenses</b>								
22a. Add lines 4 through 21.	<table border="1"> <tr> <td>\$</td> <td><b>3,468.00</b></td> </tr> <tr> <td>\$</td> <td></td> </tr> <tr> <td>\$</td> <td><b>3,468.00</b></td> </tr> </table>		\$	<b>3,468.00</b>	\$		\$	<b>3,468.00</b>
\$			<b>3,468.00</b>					
\$								
\$	<b>3,468.00</b>							
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2								
22c. Add line 22a and 22b. The result is your monthly expenses.								
23. <b>Calculate your monthly net income.</b>								
23a. Copy line 12 ( <i>your combined monthly income</i> ) from Schedule I.	23a. \$	<b>4,333.33</b>						
23b. Copy your monthly expenses from line 22c above.	23b. -\$	<b>3,468.00</b>						
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .								
	23c. \$	<b>865.33</b>						
24. <b>Do you expect an increase or decrease in your expenses within the year after you file this form?</b> For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?								
<input checked="" type="checkbox"/> No.								
<input type="checkbox"/> Yes.								
<div style="border: 1px solid black; padding: 5px;">           Explain here: <b>Debtor shares custody of his children with their Mother. Transportation costs are high due to Debtor's employment.</b> </div>								

American Express  
PO Box 981537  
El Paso, TX 79998

Barclays Bank Delaware  
PO Box 8803  
Wilmington, DE 19899-8803

BB&T  
PO Box 1704  
Clemmons, NC 27012

Berlin Wheeler  
P.O. Box 463  
Jefferson City, MO 65102

Capital One Bank USA NA  
PO Box 30281  
Salt Lake City, UT 84130

City of Emporia  
Treasurer  
P.O. Box 511  
Emporia, VA 23847

Comcast  
Attn: Bankruptcy Dept  
PO Box 3012  
Southeastern, PA 19398-3012

Commonwealth of Virginia  
Department of Taxation  
P.O. Box 2156  
Richmond, VA 23218

Cox Communications  
3080 Centreville Road  
Herndon, VA 20171

Crestline Capital Investments  
3529 N. Crestline Drive  
Virginia Beach, VA 23467

David T. Spruill, Esq &  
Deana Hackworth, Esq  
120 Corporate Blvd  
Norfolk, VA 23502

Department of the Treasury  
Internal Revenue Services  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Discover Bank  
PO Box 15316  
Wilmington, DE 19850-5316

Dominion Boulevard Veterans Br  
PO Box 1188  
Chesapeake, VA 23327-1188

DriveERT  
700 Port Centre Parkway  
Suite 2B  
Portsmouth, VA 23704-5901

DSNB/Macys  
P.O. Box 8218  
Mason, OH 45040

Enhanced Recovery Company  
P.O. Box 57547  
Jacksonville, FL 32241

Fastmed NC  
935 Shotwell Rd  
#108  
Clayton, NC 27520

Jefferson Capital Systems  
16 McLeland Road  
Saint Cloud, MN 56303

Jomax Recovery Service  
9242 W. Union Hills Drive  
Suite 102  
Peoria, AZ 85383

KLS Financial Services, Inc.  
991 Aviation Partkway  
Suite 300  
Morrisville, NC 27560

Lendmark Financial Services  
2118 Usher St.  
Suite 200  
Conyers, GA 30094

LoanMax Title Loans  
4100 W. Mercury Blvd.  
Hampton, VA 23666

OneMain Financial  
100 International Drive  
Suite 15000  
Baltimore, MD 21202-4683

Platte River Insurance Co.  
1600 Aspen Commons  
Middleton, WI 53562

Portfolio Recovery Assoc., LLC  
Riverside Commerce Center  
120 Corporate Blvd Suite 100  
Norfolk, VA 23502

Prime Drive Inc.  
224 Jefferson Davis Hwy  
Richmond, VA 23224

Sadler Bros. Oil Co., Inc  
517 N. Main Street  
Emporia, VA 23847

Southwest Credit Systems  
4120 International Pkwy  
Suite 1100  
Carrollton, TX 75007-1958

Sprint  
Attn: Bankruptcy Dept  
PO. Box 7949  
Overland Park, KS 66207-0949

SYNCB/Walmart  
PO Box 965024  
Orlando, FL 32896-5024

Tempoe LLC  
1750 Elm Street  
Suite 1200  
Manchester, NH 03104

Tiger Fuel Company  
200 Carlton Road  
PO Box 1607  
Charlottesville, VA 22902

US Bank Rms CC  
205 W 4th St  
Cincinnati, OH 45202

US Dept Education  
3130 Fairview Park Drive  
Suite 800  
Chesapeake, VA 23323

Vance and Huffman LLC  
55 Monette Pkwy Suite 100  
Smithfield, VA 23430

Virginia Credit Union  
P.O. Box 90010  
Richmond, VA 23225

Virginia DCSE  
Bankruptcy Unit  
2001 Maywill Street, Ste. 104  
Richmond, VA 23230-3236

WEBBANK/Fingerhut  
6250 Ridgewood Road  
Saint Cloud, MN 56303